BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 5477

DANIEL YOUNG OH 124 Roadrunner Irvine, CA 92603

Intern Pharmacist Registration No. INT 29660

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of

Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on April 28, 2016.

It is so ORDERED on March 29, 2016.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

1	Kamala D. Harris
2	Attorney General of California ANTOINETTE CINCOTTA
3	Supervising Deputy Attorney General NICOLE R, TRAMA
4	Deputy Attorney General State Bar No. 263607
5	600 West Broadway, Suite 1800 San Diego, CA 92101
-6	P.O. Box 85266 San Diego, CA 92186-5266
7	Telephone: (619) 645-2143 Facsimile: (619) 645-2061
8	Attorneys for Complainant
9	BEFORE THE BOARD OF PHARMACY
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	
12	In the Matter of the Accusation Against: Case No. 5477
13	DANIEL YOUNG OH 124 Roadrunner
14	Irvine, CA 92603 STIPULATED SURRENDER OF LICENSE AND ORDER
15	Intern Pharmacist Registration No. INT 29660
6	Respondent.
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8	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
9	entitled proceedings that the following matters are true:
0	PARTIES
1	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
2	(Board). She brought this action solely in her official capacity and is represented in this matter by
23	Kamala D. Harris, Attorney General of the State of California, by Nicole R. Trama, Deputy
24	Attorney General.
25	2. Daniel Young Oh (Respondent) is represented in this proceeding by attorney
26	Nicholas Chang, Esq., whose address is 4199 Campus Drive, Ste. H, Irvine, CA 92612.
27	3. On or about May 17, 2012, the Board issued Intern Pharmacist Registration No. INT
28	29660 to Respondent Daniel Young Oh. The Intern Pharmacist Registration was in full force and
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	Stimulated Surrandar of License (Case No. 5477)

effect at all times relevant to the charges brought in Accusation No. 5477. The Intern Pharmacist Registration expired on May 31, 2015, and was subsequently cancelled.

JURISDICTION

4. Accusation No. 5477 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 24, 2015. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 5477 is attached as Exhibit A, and incorporated by reference.

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ADVISEMENT AND WAIVERS

S. Respondent has carefully read, fully discussed with counsel, and understands the
charges and allegations in Accusation No. 5477. Respondent also has carefully read, fully
discussed with counsel, and understands the effects of this Stipulated Surrender of License and
Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a
hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
the witnesses against him; the right to present evidence and to testify on his own behalf; the right
to the issuance of subpoenas to compel the attendance of witnesses and the production of
documents; the right to reconsideration and court review of an adverse decision; and all other
rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation
No. 5477, agrees that cause exists for discipline, and hereby surrenders his Intern Pharmacist
Registration No. INT 29660 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue
an order accepting the surrender of his Intern Pharmacist Registration without further process.
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CONTINGENCY

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10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 2 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 3 communicate directly with the Board regarding this stipulation and surrender, without notice to or 4 participation by Respondent or his counsel. By signing the stipulation, Respondent understands 5 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the 6 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its 7Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or 8 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, 9 and the Board shall not be disqualified from further action by having considered this matter. 10

The parties understand and agree that Portable Document Format (PDF) and facsimile
 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
 thereto, shall have the same force and effect as the originals.

14 12. This Stipulated Surrender of License and Order is intended by the parties to be an
integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Intern Pharmacist Registration No. INT 29660 issued to
 Respondent Daniel Young Oh is surrendered and accepted by the Board of Pharmacy.

The surrender of Respondent's Intern Pharmacist Registration and the acceptance of
 the surrendered license by the Board shall constitute the imposition of discipline against
 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
 Respondent's license history with the Board of Pharmacy.

2. Respondent shall lose all rights and privileges as a pharmacist intern in California as of the effective date of the Board's Decision and Order.

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3 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of 6 California, the Board shall treat it as a new application for licensure. Respondent must comply 7 with all the laws, regulations and procedures for licensure in effect at the time the application or 8 petition is filed, and all of the charges and allegations contained in Accusation No. 5477 shall be 9 deemed to be true, correct and admitted by Respondent when the Board determines whether to 10 grant or deny the application or petition.

115. Respondent shall pay the agency its costs of investigation and enforcement in the12amount of \$1,717.50 within sixty (60) days of the effective date of this Decision.

6. If Respondent should ever apply or reapply for a new license or certification, or
petition for reinstatement of a license, by any other health care licensing agency in the State of
California, all of the charges and allegations contained in Accusation No. 5477 shall be deemed to
be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

19 I have carefully read the above Stipulated Surrender of License and Order and have fully
20 discussed it with my attorney, Nicholas Chang, Esq. 1 understand the stipulation and the effect it
21 will have on my Intern Pharmacist Registration. I enter into this Stipulated Surrender of License
22 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
23 Order of the Board of Pharmacy.

24 2/8/16 DATED: 25 26 Respondent 27 28 4

Stipulated Surrender of License (Case No. 5477)

I have read and fully discussed with Respondent Daniel Young Oh the terms and conditions 1 and other matters contained in this Stipulated Surrender of License and Order. I approve its form 2 and content. 3 2016 DATED: 4 NICHOLAS CHANG, ESO. 5 Attorney for Respondent 6 7 ENDORSEMENT 8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 9 for consideration by the Board of Pharmacy of the Department of Consumer Affairs. 10 Dated: 219/80/6 Respectfully submitted, 11 KAMALA D. HARRIS Attorney General of California 12 ANTOINETTE CINCOTTA Supervising Deputy Attorney General 13 14 15 NICOLE R. TRAMA Deputy Attorney General 16 Attorneys for Complainant 1718 SD2015801069 19 81252833.doc 2021 22 23 24 25 2627 28 5

Exhibit A

Accusation No. 5477

1	KAMALA D. HARRIS
2	Attorney General of California JAMES M. LEDAKIS
3	Supervising Deputy Attorney General NICOLE R. TRAMA
4	Deputy Attorney General State Bar No. 263607
5	600 West Broadway, Suite 1800 San Diego, CA 92101
6	P.O. Box 85266 San Diego, CA 92186-5266
7	Telephone: (619) 645-2143 Facsimile: (619) 645-2061
8	Attorneys for Complainant
9	BEFORE THE BOARD OF PHARMACY
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	
12	In the Matter of the Accusation Against: Case No. 5477
13	DANIEL YOUNG OH 124 Roadrunner
14	Irvine, CA 92603 A C C U S A T I O N
15	Intern Pharmacist Registration No. INT 29660
16	Respondent.
17	Complainant alleges:
18	PARTIES
19	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21	2. On or about May 17, 2012, the Board of Pharmacy issued Intern Pharmacist
22	Registration Number INT 29660 to Daniel Young Oh (Respondent). The Intern Pharmacist
23	Registration was in full force and effect at all times relevant to the charges brought herein and
24	will expire on May 31, 2015, unless renewed.
25	JURISDICTION
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27	Consumer Affairs, under the authority of the following laws. All section references are to the
28	Business and Professions Code unless otherwise indicated.
	1 (DANIEL YOUNG OH) ACCUSATION
	(DANIEL YOUNG ON ACCUSATION

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4. Section 4300, subdivision (a) of the Code states "Every license issued may be 1 2 suspended or revoked." Section 4300.1 of the Code states: 5. 3 4 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, 5 the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or 6 proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license. 7 STATUTORY PROVISIONS 8 6. Section 480 of the Code states: 9 10 (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following: 11 (1) Been convicted of a crime. A conviction within the meaning of this 12 section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the 13 establishment of a conviction may be taken when the time for appeal has elapsed. or the judgment of conviction has been affirmed on appeal, or when an order 14 granting probation is made suspending the imposition of sentence, irrespective of a 15 subsequent order under the provisions of Section 1203.4 of the Penal Code. 16 (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another. 17 (3) (A) Done any act that if done by a licentiate of the business or profession 18 in question, would be grounds for suspension or revocation of license. 19 (B) The board may deny a license pursuant to this subdivision only if the 20crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. 21 (b) Notwithstanding any other provision of this code, no person shall be 22 denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 23 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that 24 he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the 25rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482. 26(c) Notwithstanding any other provisions of this code, a person shall not be 27denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant 28

1	who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.
2	(d) A board may deny a license regulated by this code on the ground that the
3	applicant knowingly made a false statement of fact required to be revealed in the application for the license.
4	7. Section 482 of the Code states:
5 6	Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:
7	(a) Considering the denial of a license by the board under Section 480; or
8	(b) Considering suspension or revocation of a license under Section 490.
9	Each board shall take into account all competent evidence of rehabilitation
10	furnished by the applicant or licensee.
11	8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
12	revoke a license on the ground that the licensee has been convicted of a crime substantially
13	related to the qualifications, functions, or duties of the business or profession for which the
14	license was issued.
15	9. Section 493 of the Code states:
16	Notwithstanding any other provision of law, in a proceeding conducted by a
17 18	board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a
19	person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and
20	duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
21	and the board may inquire into the circumstances surrounding the commission of
22	the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in
23	question.
24	As used in this section, "license" includes "certificate," "permit," "authority," and "registration."
25	10. Section 4301 of the Code states:
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27	The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or
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misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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1	(p) Actions or conduct that would have warranted denial of a license.
2	REGULATORY PROVISIONS
3	11. California Code of Regulations, title 16, section 1769, states:
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5 6	(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:
7	(1) Nature and severity of the act(s) or offense(s).
8	(2) Total criminal record.
9	(3) The time that has elapsed since commission of the act(s) or offense(s).
10 11	(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
	(5) Evidence, if any, of rehabilitation submitted by the licensee.
12 13	12. California Code of Regulations, title 16, section 1770, states:
14 15	For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to
16 17 18	the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.
19	COST RECOVERY
20	13. Section 125.3 of the Code provides, in pertinent part, that the Board may request
21	the administrative law judge to direct a licentiate found to have committed a violation or
22	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
23	and enforcement of the case.
24	DRUGS
25	14. Marijuana is a Schedule I controlled substance pursuant to Health and Safety Code
26	section 11054, subdivision (d).
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	(DANIEL YOUNG OH) ACCUSATION

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FIRST CAUSE FOR DISCIPLINE

(April 10, 2015 Criminal Conviction for DUI on August 23, 2014)

15. Respondent has subjected his license to discipline under sections 490 and 4301, subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the qualifications, duties, and functions of a pharmacist intern. The circumstances are as follows:

a. On or about April 10, 2015, in a criminal proceeding entitled *People of the State of California v. Daniel Young Oh*, Orange County Superior Court, case number 14HM07469, Respondent was convicted on his plea of guilty to violating Vehicle Code section 23152(a), driving under the influence of alcohol and 23152(b), driving with a blood alcohol content of .08 percent or more, both misdemeanors.

b. As a result of the conviction, Respondent was placed on probation for five years, sentenced to ninety days in custody, ordered to pay fines, required to complete an outpatient program, MADD Victim's Impact Panel, and a 18 month multiple offender alcohol program.

c. The circumstances of the conviction are that on or about August 23, 2014, officers were dispatched to a call of a possible DUI driver. The officers observed a vehicle that matched the description given by dispatch and watched it pull into the parking lot and turns towards a Del Taco restaurant. Officers observed that the vehicle almost collided with the raised curb as it approached the drive-thru. Officers activated their emergency lights, siren, and air horn as the vehicle continued to move forward through the drive-thru. The vehicle did not react or stop to the lights and siren. Once the vehicle came to a stop at the drive-thru menu, the officers made contact with the driver, who was identified as Respondent.

d. Officers noticed a strong smell of alcoholic beverage emitting from Respondent's breath and person, and Respondent had bloodshot and watery eyes. Respondent told officers that he felt "perfectly fine" but he failed the Field Sobriety tests. Respondent's blood alcohol content was .17. Respondent was arrested for driving under the influence. During the search of Respondent's vehicle, officers discovered a container with marijuana. Respondent told officers that he did not have a valid medical recommendation to possess or smoke marijuana.

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SECOND CAUSE FOR DISCIPLINE

(August 14, 2007 Criminal Conviction for Public Intoxication on April 8, 2007)

16. Respondent has subjected his license to discipline under sections 490 and 4301, subdivision (1) of the Code in that he was convicted of a crime that is substantially related to the qualifications, duties, and functions of a pharmacist intern. The circumstances are as follows:

a. On or about August 14, 2007, in a criminal proceeding entitled *People of the State of California v. Daniel Oh*, Yolo County Superior Court, case number 07-2467, Respondent was convicted on his plea of no contest to violating Penal Code section 647(f), public intoxication, a misdemeanor.

b. As a result of the conviction, Respondent was placed on informal probation for one year, ordered to pay fines and fees, and sentenced to fifteen days in custody. Respondent's probation was terminated unsuccessfully on April 16, 2008 as a result of a conviction for driving under the influence in Yolo County Superior court case number 08-959. On or about April 29, 2014, Respondent's conviction was dismissed pursuant to Penal Code section 1203.4/1203.4a.

The circumstances of the conviction are that on or about April 8, 2007, officers were c. dispatched to a report of a "man down" in the street. Upon arrival, officers found Respondent lying on his back with his head in the gutter and towel over his head. Officers called out to Respondent several times and shook his shoulders but Respondent was unresponsive and appeared unconscious. Officers observed an odor of alcohol on Respondent. Officers were able to wake Respondent by rubbing him on the sternum. Upon awaking, Respondent attacked one of the officers by swinging his arms and kicking. Officers struggled to restrain Respondent and had to use a taser to control him. Respondent smelled of alcohol and urine and his crotch area of his pants were wet. Respondent did not know his age, his address or social security number. Respondent told officers that he was out partying but did not know how much alcohol he drank or how he ended up lying in a gutter with a towel over his head.

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THIRD CAUSE FOR DISCIPLINE

(Use of Alcoholic Beverages in a Manner Dangerous & Injurious to Oneself & the Public)

Respondent has subjected his license to disciplinary action under section 4301, subdivision (h) of the Code for use of alcohol in a dangerous manner, in that on or about April 23, 2013, Respondent drove a vehicle while under the influence of an alcoholic beverage, and on April 8, 2007, Respondent was intoxicated to the point that he was unresponsive to officers and upon regaining consciousness, became violent with officers. Both acts posed a serious risk of injury and/or death to himself or to the public, as detailed in paragraphs 15 and 16, above, and which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Conviction of More than One Misdemeanor Involving the Use or Consumption of Alcohol)

Respondent has subjected his license to disciplinary action under section 4301, 18. 12 subdivision (k) of the Code in that Respondent has been convicted of three misdemeanors involving the use, consumption or self-administration of alcoholic beverage, as follows:

On or about April 10, 2015, in a criminal proceeding entitled *People of the State of* 15 a. California v. Daniel Young Oh, Orange County Superior Court, case number 14HM07469, 16 Respondent was convicted on his plea of guilty to violating Vehicle Code section 23152(a), 17 driving under the influence of alcohol, a misdemeanor, as set forth in paragraph 15 (First Cause 18 for Discipline), above. 19

b. On or about August 14, 2007, in a criminal proceeding entitled *People of the State of* 20 California v. Daniel Young Oh, Yolo County Superior Court, case number 07-2467, Respondent was convicted on his plea of no contest to violating Penal Code section 647(f), public 22 intoxication, a misdemeanor, as set forth in paragraph 16 (Second Cause for Discipline), above.

On or about April 16, 2008, in a criminal proceeding entitled *People of the State of* c. 24 California v. Daniel Young Oh, Yolo County Superior Court, case number 08-959, Respondent 25 was convicted on his plea of no contest to violating Vehicle Code section 23152(b), driving with 26 a blood alcohol content of .08 percent or more, as referenced in paragraph 22 (Disciplinary 27 Considerations), below. 28

FIFTH CAUSE FOR DISCIPLINE

(Knowingly Making a False Statement of Fact)

19. Respondent has subjected his license to disciplinary action under section 4301, subdivisions (f) and (g) of the Code for dishonest acts in that he knowingly made a false statement of fact on his application for licensure. The circumstances are as follows:

On or about May 8, 2012, Respondent signed an application for an Intern License a. with the Board of Pharmacy. On the application, Respondent falsely marked "no" to the question asking if he had ever been convicted of a crime. However, on or about August 14, 2007, in a criminal proceeding entitled *People of the State of California v. Daniel Young Oh*, Yolo County Superior Court, case number 07-2467, Respondent was convicted on his plea of no contest to violating Penal Code section 647(f), public intoxication, a misdemeanor (as set forth in the Second Cause for Discipline). Respondent failed to report this conviction to the Board and the Board did not learn of the conviction until 2015, well after it licensed Respondent.

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SIXTH CAUSE FOR DISCIPLINE

(Acts that Would have Warranted the Denial of Licensure)

Respondent has subjected his license to disciplinary action under section 4301, 20.subdivision (p) of the Code for acts that would have warranted the denial of a license under Business and Professions Code section 480(d) for knowingly making a false statement of fact that is required to be revealed in the application, as set forth in paragraph 19 (Fifth Cause for Discipline), above.

SEVENTH CAUSE FOR DISCIPLINE

(Illegal Possession of Controlled Substance)

21. Respondent has subjected his license to disciplinary action under section 4301, subdivision (j) of the Code in that Respondent illegally possessed controlled substances, marijuana, on August 23, 2014, in violation of California and United States statutes regulating controlled substances, as set forth in paragraph 15, above (First Cause for Discipline).

DISCIPLINE CONSIDERATIONS

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22. To determine the degree of discipline, if any, to be imposed on Respondent, 2 Complainant alleges that on or about May 20, 2013, in a prior action, the Board of Pharmacy 3 issued Citation Number CI 2012 53246 for violations of Business and Professions Code section 4 4301, subdivisions (g) for knowingly making or signing a certificate or other document that 5 falsely represents the existence or nonexistence of facts; subdivision (h) for using alcohol in an 6 dangerous manner; subdivision (1) for sustaining a conviction that is substantially related to the 7 practice of pharmacy; and subdivision (q) for engaging in conduct that subverts or attempts to 8 subvert an investigation of the Board. The Citation ordered Respondent to pay a fine in the 9 amount of \$5,000.00. The circumstances are as follows: 10 On or about May 8, 2012, Respondent signed an application for an Intern License 11 a. with the Board of Pharmacy. On the application, Respondent falsely marked "no" to the question 12 asking if he had ever been convicted of a crime. However, Respondent was convicted of Vehicle 13 Code section 23152(b), driving with a blood alcohol content of .08 percent or more on April 16, 14 2008, a misdemeanor. As a result of his conviction, Respondent was placed on probation for 15 three years, fined, sentenced to six days in custody, and ordered to complete a nine month First 16 17 Offender DUI Program. Respondent failed to disclose his April 16, 2008 conviction on his application. 18 That Citation is now final and is incorporated by reference as if fully set forth. 19 b. PRAYER 20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 21 and that following the hearing, the Board of Pharmacy issue a decision: 221. Revoking or suspending Intern Pharmacist Registration Number INT 29660, issued to 23 Daniel Young Oh; 24 Ordering Daniel Young Oh to pay the Board of Pharmacy the reasonable costs of the 2. 25

investigation and enforcement of this case, pursuant to Business and Professions Code section
125.3;

Taking such other and further action as deemed necessary and proper. 3. DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SD2015801069 81062412.docx (DANIEL YOUNG OH) ACCUSATION